

Congress of the United States
Washington, DC 20515

July 21, 2021

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Docket No. DOT-OST-2021-0056

Dear Secretary Buttigieg:

We appreciate this Administration's commitment to advancing equity for disadvantaged business enterprises (DBEs) in the transportation sector. However, the lack of a DBE program at the Federal Railroad Administration (FRA) within the Department of Transportation (DOT) is a pressing issue that must be addressed in the immediate future.

Establishing a DBE program at FRA would be a significant step toward rectifying historic discrimination against DBEs in the rail industry. We will only truly succeed as a nation when we have a level playing field for all qualified businesses seeking opportunities for federally-funded transportation contracts.

To establish the necessary legal predicate to create a DBE program at FRA, a disparity study must be completed to present evidence of discrimination against minority businesses. Under the Fixing America's Surface Transportation Act of 2015 (P.L. 114-94), DOT was required to complete a disparity study of publicly-funded intercity rail passenger transportation projects.

Shamefully, it has been nearly six years since the enactment of that legislation and the study has yet to be completed, due to various delays and obstruction by the previous Administration. It is now estimated that the study will be complete by the end of 2021. Any further delay would be unacceptable and allow ongoing discrimination against DBEs to continue unabated and unprioritized by the federal government.

We strongly urge you to work with FRA to ensure that the disparity study is completed in a timely manner and the results are promptly transmitted to Congress.

We look forward to working with you and the Administration to ensure a fair shot for all businesses seeking contracting opportunities with DOT.

Sincerely,



Donald M. Payne, Jr.
Member of Congress
Chairman
Subcommittee on Railroads, Pipelines,
and Hazardous Materials



Marilyn Strickland
Member of Congress
Vice Chair
Subcommittee on Railroads, Pipelines,
and Hazardous Materials

/s
Eleanor Holmes Norton
Member of Congress

/s
Nikema Williams
Member of Congress

/s
Eddie Bernice Johnson
Member of Congress

/s
André Carson
Member of Congress

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Terri A. Sewell
Member of Congress

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Bennie G. Thompson
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Mondaire Jones
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Alma S. Adams, Ph.D.
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Gwen Moore
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Karen Bass
Member of Congress

/s
Henry C. "Hank" Johnson, Jr.
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Bonnie Watson Coleman
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/s
Barbara Lee
Member of Congress

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Dwight Evans
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Frederica S. Wilson
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Anthony G. Brown
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Bobby L. Rush
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/s
Troy A. Carter, Sr.
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/s
Danny K. Davis
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/s
Robin L. Kelly
Member of Congress

/s
Stacey E. Plaskett
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/s
Ritchie Torres
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/s
James E. Clyburn
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/s
Brenda L. Lawrence
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/s
Steven Horsford
Member of Congress

/s
Emanuel Cleaver, II
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Yvette D. Clarke
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/s
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Lauren Underwood
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Maxine Waters
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Jahana Hayes
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Jamaal Bowman, Ed.D.
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Josh Gottheimer
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Tom Malinowski
Member of Congress

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Ayanna Pressley
Member of Congress

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Cori Bush
Member of Congress

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Antonio Delgado
Member of Congress

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Robert C. “Bobby” Scott
Member of Congress

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Sheila Jackson Lee
Member of Congress

/s

Hakeem Jeffries
Member of Congress

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Ilhan Omar
Member of Congress

/s

Albio Sires
Member of Congress